

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

BERLIN MUNICIPAL EMPLOYEES, :
LOCAL 1444, AFSCME, AFL-CIO :
v. : CASE NO. A-0401:1
CITY OF BERLIN, NEW HAMPSHIRE: Decision No. 80025
POLICE DEPARTMENT :
:

APPEARANCES

Representing Local 1444:

William J. McDough, Executive Director
Anthony Migetz, Grievant

Representing City of Berlin:

No one appeared at the rehearing.

BACKGROUND

Request for rehearing on Board Decisions No. 79038, December 18, 1979, was granted and held May 21, 1980.

Presumably the rehearing was to present some new factual evidence with respect to original evidence and testimony presented at the July, 1979 hearing.

The City of Berlin did not appear at the rehearing and, no new evidence was presented by the complainant at that time. Discussion revolved around the amount of overtime worked by the complainant while employed as a sergeant and the difference in monies paid during that time in relation to amount which he felt was due him in salary had he then been in the captain's position.

The subject of overtime had not been a negotiated issue between the parties at any time based on the evidence available to the Board. This case had been before an arbitrator in accordance with the grievance procedure language contained in the existing contract.

PELRB has consistently declined to substitute its

judgment for the judgment of those who have been selected in accordance with the language in an agreement and continues that basic approach in this case.

DECISION AND ORDER

There being no new evidence to cause a modification or change from the decision issued December 18, 1979, the Board hereby reaffirms Decision No. 79038 which states:

- A. The grievant was made whole upon his appointment as captain, as ordered in the arbitrator's award. . .



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 3rd day of July 1980.

By unanimous vote. Chairman Haseltine presiding members Hilliard and Mayhew present and voting. Also present, Executive Director, Evelyn C. LeBrun.